

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2-17 and 19 are pending in the present application. Claims 1 and 18 are canceled without prejudice, Claims 2, 3, 7 and 8 are amended, and Claims 20-29 are indicated as withdrawn in response to a previous restriction requirement.

In the outstanding Office Action, Claims 2, 7 and 14-17 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,334,870 to Katada et al. (herein "Katada"); Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over Katada in view of U.S. Patent No. 4,969,023 to Svedberg; and Claims 3-6 and 8-13 are indicated as allowable if rewritten in independent form.

Initially, Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in Claims 3 and 8. Accordingly, Claims 3 and 8 are rewritten in independent form to include all base claim features, and thus, Claims 3 and 8, and claims depending therefrom, are believed to be allowable.

Further, Applicant respectfully traverses the rejection of Claims 2, 7 and 14-17 as anticipated by Katada under 35 U.S.C. § 102(b) with respect to amended independent Claims 2 and 7.

Amended independent Claim 2 is directed to a semiconductor device including a semiconductor layer of a first conductive type formed in an active region, a first gate electrode formed on the semiconductor layer via a gate insulating film in a predetermined pattern and having an end portion arranged in the active region. The semiconductor device also includes a first insulating mask formed on at least a part of the first gate electrode and a part of the semiconductor layer. The first insulating mask is arranged on the end portion of the first gate electrode and on the semiconductor layer to cross the active region along a gate

length direction of the first gate electrode. In addition, the semiconductor device includes a pair of first diffusion regions of a second conductive type formed in the active region not covered with the first insulating mask and the first gate electrode. The pair of first diffusion regions are positioned adjacent to the first gate electrode and are used as a source and drain. Further, the semiconductor device includes a spacer formed in a region where the first insulating mask is not formed, and only on a sidewall of the first gate electrode. The spacer is formed of a same material as the first insulating mask. Amended independent Claim 7 includes similar features.

Thus, the semiconductor device according to Claims 2 and 7 is characterized by: (i) a first insulating mask to cover upper surfaces of a first gate electrode and a semiconductor layer; (ii) a spacer only on a sidewall of the first gate electrode; and (iii) the first insulating mask and the spacer are formed of the same material.

In addition, the semiconductor device according to Claims 2 and 7 is formed by implanting ions to form a first diffusion region, after forming the spacer only on the sidewall of the first gate electrode, and by performing the ion implantation with application of an acceleration energy which is not high enough to penetrate the first insulating mask.

On the other hand, Katada describes a spacer 20 and an insulating mask 29 that are laminated. Further, the spacer 20 of Katada is formed on a sidewall of a gate electrode 18, located in a region where the insulating mask 29 is formed. Thus, even if the first insulating film mask 29 and the spacer 20 of Katada are formed of a same material, the spacer of Katada is formed in a region where the insulating mask is formed. Accordingly, ion implantation in Katada is performed by application of an acceleration energy which is high enough to penetrate the first insulating mask. Hence, Applicant respectfully submits that Katada does not teach or suggest “a spacer formed in a region where the first insulating mask is not

formed, and only on a sidewall of the first gate electrode," as recited in amended independent Claims 2 and 7.

Accordingly, it is respectfully submitted that independent Claims 2 and 7, and claims depending therefrom, are allowable.

Further, Applicant respectfully traverses the rejection of Claim 19 under 35 U.S.C. § 103(a) as unpatentable over Katada in view of Svedberg. Claim 19 depends on Claim 2, which is believed to be allowable, as discussed above. Further, Applicant submits that Svedberg also does not teach or suggest the features of the independent claims. Accordingly, Applicant respectfully requests the rejection of Claim 19 be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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